

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

RICHLAND/WILKIN JOINT POWERS
AUTHORITY,

Civil No. 13-2262 (JRT/LIB)

Plaintiff,

v.

UNITED STATES ARMY CORPS OF
ENGINEERS, JOHN MCHUGH, JO-ELLEN
DARCY, and DAN KOPROWSKI,

ORDER

Defendants,

v.

FARGO-MOORHEAD FLOOD DIVERSION
BOARD OF AUTHORITY,

Intervenor Defendant,

v.

CITY OF OXBOW,

Intervenor Defendant.

Gerald W. Von Korff, **RINKE NOONAN**, P.O. Box 1497, St. Cloud, MN 56302, for plaintiff.

Friedrich A. P. Siekert, Assistant United States Attorney, **UNITED STATES ATTORNEY'S OFFICE**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for the United State Corps of Engineers.

Michael R. Drysdale and Robert E. Cattnach, **DORSEY & WHITNEY LLP**, 50 South Sixth Street, Suite 1500, Minneapolis, MN 55402, for the Fargo-Moorhead Flood Diversion Board of Authority.

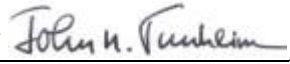
Joseph A. Turman and Katrina A. Turman Lang, **TURMAN & LANG LTD**, P.O. Box 110, Fargo, ND 58107, for the City of Oxbow.

In response to Plaintiff Richland/Wilkin Joint Powers Authority's Motion to Reinstate U.S. Army Corps of Engineers as an Active Defendant and to Supplement

Pleadings [Docket No. 344], the Court directs the U.S. Army Corps of Engineers to substantively respond to the following questions: (1) whether the Court has authority to reinstate the U.S. Army Corps of Engineers as an active defendant pursuant to Fed. R. Civ. P. 60(b), and if so (2) whether Plaintiff met its burden to show reinstatement is appropriate under Fed. R. Civ. P. 60(b)(2), (b)(5), or (b)(6).

The U.S. Army Corp of Engineers must submit its memorandum responding to these questions within forty-five (45) days of this Order. The Fargo-Moorhead Flood Diversion Board of Authority and City of Oxbow may choose to submit memorandums within the same 45-day period. Plaintiff should submit its reply within 14 days of being served with the U.S. Army Corp of Engineers' memorandum.

DATED: December 16, 2016
at Minneapolis, Minnesota.

s/ 

JOHN R. TUNHEIM
Chief Judge
United States District Court